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MEMO ENDORSED

BY REGULAR MAIL

December 28, 2007

The Honorable Richard M. Berman, USDJ
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 650
New York, NY 10007

Re: Phillip Kassai v. Drinks America Holdings, Ltd.
Case No. 07-CIV- 5590 (RMB)(AJP)

Conference adjourned to
1/28/08 @ 9:15. The Court has
not yet ruled on any
objections to Mag. Peck's
determinations which,
accordingly, are in full force &
effect.

SO ORDERED:

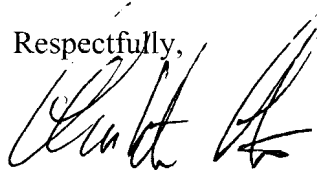
Date: 1/2/08

Richard M. Berman
Richard M. Berman, U.S.D.J.

Dear Judge Berman:

This letter is to ask the Court to adjourn the settlement conference currently scheduled for January 8, 2008. Counsel for defendant has a pre-scheduled arbitration hearing in Chicago on that date. In addition, the discovery phase of this litigation has not been completed, therefore a settlement conference would prove fruitless at this juncture. I have been advised by Plaintiff's counsel that they consent to this adjournment and that they can be present on January 28, 2008 if the Court is available to conduct the settlement conference on that date. Otherwise, I will contact the Court to determine dates on which the Court is available for the conference, and will then confirm with all counsel and the Court the new date for the settlement conference.

Respectfully,



Christelle Clement
Of Counsel to Sheldon Gopstein, Esq.

c.c. Susan Walsh, Moskowitz & Book, LLP (email only)
Magistrate Judge Peck (fax only)

